

CHINA—REGULATIONS FOR THE CONSULAR COURTS.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A copy of a letter from the Acting Commissioner of the United States, in reference to the consular courts of the United States in China.*

FEBRUARY 26, 1856.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

*To the Senate and House of Representatives :*

I transmit a copy of a letter, of the 7th of March last, from the acting commissioner of the United States in China, and of the regulations and notification which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved 11th August, 1848.

FRANKLIN PIERCE.

WASHINGTON, *February 25, 1856.*

LEGATION OF THE UNITED STATES,  
*Canton, March 7, 1855.*

SIR: The enclosed regulations, adopted by his excellency Robert M. McLean, December 5, 1854, having received the assent of the United States consuls at Amoy, Fuh Chow, and Shanghai, the only full consuls of the United States at present in China, in accordance with the sixth section of the act of Congress, approved August 11, 1848, I have now the honor of transmitting the same "to the President, to be laid before Congress for revision."

The notification of the same date, relating to the subject of the regulations, is also enclosed.

With sentiments of distinguished consideration, I have the honor to remain, sir, your excellency's most obedient servant,

PETER PARKER,

*Acting Commissioner, &c., United States of America, China.*

His Excellency FRANKLIN PIERCE,

*President of the United States of America.*

*Notification addressed to all citizens of the United States within the dominions of China.*

Since the capture of the cities of Shangai and Amoy, in the year 1853, and the siege of the city of Canton, in the year 1854, by those engaged in insurrection and rebellion against the imperial government of China, citizens of the United States, residing and sojourning at the ports open to commerce and trade, have been much embarrassed and constrained in all their social and commercial relations.

The United States naval forces have been constantly engaged in affording them protection, when the local authorities of China have been unequal to the task; and the civil authorities of the United States, appointed for the government and superintendence of their concerns, have had much difficulty to preserve for them their commercial privileges, and personal rights and security.

This has been accomplished by abstaining from all interference with the domestic war now existing in China, and with the rights of those engaged in it; but collisions have been had, on more than one occasion, with those engaged in arms to sustain the imperial government, and with those in insurrection against it.

This *non-intervention* is but the practical application of well known principles of international law, which prescribe a policy of neutrality for all nations in view of differences that may occur between one or more states, or in the case of domestic wars and revolutions.

This policy of neutrality may be more or less modified by treaty, but unless so modified, it demands an absolute *non-intervention* with the concerns of other nations; but more especially does it forbid foreign states, their citizens or subjects, from intervening, by affording military aid, assistance, or supplies, to either contending party.

So far as the treaty between China and the United States requires concert and co-operation between the imperial authorities and the authorities of the United States, that concert and co-operation shall be faithfully and fearlessly rendered, and supported by the military power of the United States now in China, when such support is required to give it effect.

But in all matters where such concert and co-operation is not required by treaty, a strict and practical neutrality has been maintained by the authorities of the United States in China, between those who defend the imperial power and those who assail it.

It is the duty of citizens of the United States, residing and sojourning in China, to respect the imperial government, under which, in concert and co-operation with the authorities of the United States, they are protected and defended, and permitted to resort to China for the purposes of commerce. But those who engage in military service, on either side, are reminded that they are under the jurisdiction and control of the authorities of the United States, who have made known to their countrymen and the world their determination to protect the lives and property of American citizens in China, no matter where or by whom assailed; and they will not permit the weak or vicious of their own countrymen to imperil the safety of all.

More certainly to prevent the danger thereof, and for the better execution of the treaty between China and the United States, the following decree has been issued by the undersigned, commissioner of the United States to the empire of China, in addition to the statutes of the United States already extended over citizens of the United States in China, in virtue of the act of Congress, approved August 11, 1848.

ROBERT M. McLANE, [L. s.]

*Commissioner of the United States of America  
to the Empire of China.*

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*Regulations for the Consular Courts of the United States of America in China.*

In pursuance of the fourth section of the act of Congress, approved August 11, 1848, "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," I, Robert M. McLane, commissioner of the United States of America to the empire of China, do hereby decree the following rules and regulations, which shall have the force of law in the consular courts of the United States of America in China.

I. *That* if any citizen of the United States, within the dominions of China, shall accept and exercise a commission to serve the Emperor of China, or any province, State, colony, district, or people, in war, by land or by sea, within said dominions, against any other province, State, colony, district, or people, within said dominions, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and shall be imprisoned not exceeding three years in China or in the United States, at the discretion of the court.

II. *That* any citizen of the United States who shall, within the dominions of China, enlist or enter himself, or hire or retain another person to enlist or enter himself, as a soldier or as a mariner or seaman, on board of any vessel of war in the service of the Emperor of China, or any province, State, colony, district, or people, within said dominions, against any other province, State, colony, district, or people, within said dominions, any person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding ten thousand dollars, and be imprisoned not exceeding three years in China or in the United States, at the discretion of the court.

III. *That* if any citizen of the United States shall, within the dominions of China, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of the Emperor of China, or any State, colony, district, or people, within said dominions, to cruise or commit hostilities against the subjects,

citizens, or property, of any province, State, colony, district, or people, within said dominions, or shall issue or deliver a commission within said dominions, or any such ship or vessel, to the intent that she may be employed as aforesaid: any citizen of the United States so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years in China or in the United States, at the discretion of the court; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of the informer, and the other half to the use of the government of the United States.

ROBERT M. McLANE,  
*Commissioner of the United States of America  
to the Empire of China.*

CANTON, December 5, 1854.

Assented to.

J. HART HYATT,  
*United States Consul at Amoy.*

Assented to.

CALEB JONES,  
*United States Consul Foo Chow-foo.*

JANUARY 12, 1855.

Assented to.

ROBERT C. MURPHY,  
*Consul United States America.*

SHANGHAI, December 22, 1854.